

in the judgment of the sheriff of the county in which said felon was tried and the solicitor prosecuting said felon, it shall be deemed necessary for the safety and safe-keeping of said convicted person or felon during the pendency of said appeal.

SEC. 4. The said warden or deputy warden (in case of the disability, death or absence of the warden), unless a suspension of execution be ordered, shall cause the person, convict or felon against whom the death sentence has been so pronounced to be electrocuted as provided by section two of this act. At such execution there shall be present the warden or deputy warden, the surgeon or physician of the penitentiary and twelve respectable citizens. The counsel and any relatives of such person, convict or felon and a minister or ministers of the gospel may be present if they so desire.

SEC. 5. The warden, together with the surgeon or physician of the penitentiary, shall certify the fact of the execution of the condemned person, convict or felon to the clerk of the Superior Court in which such sentence was pronounced, and said clerk shall file such certificate with the papers of the case and enter the same upon the records thereof.

SEC. 6. Should the condemned person, convict or felon be granted a reprieve by the Governor or obtain a writ of error, or a new trial be granted by the Supreme Court of the State of North Carolina, or should the execution of the sentence be stayed by any competent judicial tribunal or proceeding, notice of such reprieve, new trial, appeal, writ of error or stay of execution shall be served upon the warden or deputy warden of the penitentiary by the Sheriff of Wake County, in case such condemned person is confined in said penitentiary, or upon any sheriff having the custody of any such condemned person, also upon the condemned person himself. In case of an appeal, should the Supreme Court find no error in the trial or should the execution of the sentence be stayed by any competent judicial tribunal of proceeding, such condemned person, convict or felon shall be executed as is provided in section two of this act, the Governor of North Carolina setting the day for said execution; and it is hereby made the duty of said Governor to set the date for said execution and notify the warden of the penitentiary thereof.

SEC. 7. Should a new trial be granted the condemned person, convict or felon against whom sentence of death has been pronounced, after he has been conveyed to the penitentiary, then he shall be conveyed back to the place of trial by such guard or guards as the warden of said penitentiary shall direct, their expenses to be paid as is now provided by law for the conveyance of convicts to the penitentiary.

SEC. 8. Nothing in this act shall be construed to alter in any manner the execution of the sentence of death imposed on account of any crime or crimes committed before the ratification of this act.